

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
COURT FILE NUMBER \_\_\_\_\_

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Alanna O'Leary,

Plaintiff,

**COMPLAINT**

v.

**JURY TRIAL DEMANDED**

American Accounts & Advisers, Inc.,  
and Colltech, Inc.,

Defendants.

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1. Alanna O'Leary ("Consumer") brings this action to address violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, by American Accounts & Advisers, Inc. ("Accounts") and Colltech, Inc. ("Colltech").

**JURISDICTION, VENUE, AND PARTIES**

2. This United States District Court has jurisdiction over all FDCPA claims and federal questions. 15 U.S.C. § 1692k(d); 28 U.S.C. § 1331.
3. Venue is proper because a substantial part of the events giving rise to this claim occurred in Minnesota. 28 U.S.C. § 1391(b)(2).
4. Consumer is a natural person who is a "consumer" as defined by 15 U.S.C.

§ 1692a(3).

5. Accounts is a Minnesota corporation with a registered address of 7460 80th Street, Cottage Grove, MN 55016. Accounts's principal business and purpose is the collection of debts, making it a "debt collector" as defined by 15 U.S.C. § 1692a(6).
6. Colltech is a Delaware corporation with a principal place of business at 15600 35th Ave. N. #201, Plymouth, MN 55447. Colltech's principal business and purpose is the collection of debts, making it a "debt collector" as defined by 15 U.S.C. § 1692a(6).

#### **FACTS**

7. Consumer discovered in February 2013 that Accounts was erroneously reporting 11 debts against her to the credit reporting agency Equifax, Inc. ("Equifax").
8. Consumer also discovered Colltech to be erroneously reporting three debts against her to Equifax.
9. Consumer disputed the Accounts and Colltech debts to Equifax on February 25, 2013. *See dispute summary attached as EXHIBIT A.*
10. Accounts verified 10 of the debts to Equifax on March 19, 2013. *See verification attached as EXHIBIT B.*
11. Colltech verified all three to Equifax on or before March 19, 2013. *See*

**EXHIBIT B.**

12. Having been notified by Equifax of Consumer's disputes, both Accounts and Colltech reported the debts to Equifax without any indication that Consumer disputed them. *See* **EXHIBIT B.**

**FDCPA REQUIREMENTS**

13. "A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . . Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed." 15 U.S.C. § 1692e(8).

**COUNT I: VIOLATION OF 15 U.S.C. § 1692e(8)**  
**(against American Accounts & Advisers, Inc.)**

14. Consumer incorporates all other allegations as if set forth herein in full.
15. Accounts violated 15 U.S.C. § 1692e(8) by communicating 10 disputed debts to Equifax without indicating that Consumer had disputed them.
16. The debts, which Consumer paid to the original creditor and which Accounts is reporting incorrectly, negatively affect Consumer's credit report.

17. Accounts' violations have caused Consumer to suffer emotional distress, confusion, frustration, anxiety, fear, and helplessness.
18. Consumer is entitled to actual damages in the amount to be determined at trial, statutory damages of \$1,000.00, the costs of this action, and reasonable attorney's fees from Accounts in an amount to be determined by the Court.  
15 U.S.C. § 1692k.
19. Consumer reserves her right to move for punitive damages.

**COUNT II: VIOLATION OF 15 U.S.C. § 1692e(8)**  
**(against Colltech, Inc.)**

20. Consumer incorporates all other allegations as if set forth herein in full.
21. Colltech violated 15 U.S.C. § 1692e(8) by communicating three disputed debts to Equifax without indicating that Consumer had disputed them.
22. The debts, which Consumer paid to the original creditor and which Colltech is reporting incorrectly, negatively affect Consumer's credit report.
23. Colltech's violations have caused Consumer to suffer emotional distress, confusion, frustration, anxiety, fear, and helplessness.
24. Consumer is entitled to actual damages in the amount to be determined at trial, statutory damages of \$1,000.00, the costs of this action, and reasonable attorney's fees from Colltech in an amount to be determined by the Court.  
15 U.S.C. § 1692k.

25. Consumer reserves her right to move for punitive damages.

**JURY TRIAL**

26. Consumer demands a jury per U.S. Const. Amend. 7 and Fed. R. Civ. P. 38.

**PRAYER FOR RELIEF**

WHEREFORE, Consumer requests an Order for the following relief:

1. Judgment in favor of Consumer and against American Accounts & Advisers, Inc. for actual damages in an amount to be determined at trial, \$1,000.00 in statutory damages, the costs of this action, and reasonable attorney's fees.
2. Judgment in favor of Consumer and against Colltech, Inc. for actual damages in an amount to be determined at trial, \$1,000.00 in statutory damages, the costs of this action, and reasonable attorney's fees.
3. All other relief which the Court deems just and equitable.

Dated: 4/5/13

/s/ Bennett Hartz  
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